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**MAILED**  
**MAR 10 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Karin Ekberg, et al.  
Application No. 10/575,701  
Filed: December 11, 2006  
Attorney Docket No.: CBX0007-506-US

ON PETITION

This is a decision in response to the petition under 37 CFR 1.182, filed March 8, 2011, requesting expedited consideration of the January 25, 2011 petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition under 37 CFR 1.182 is **GRANTED**. A decision on the petition under 37 CFR 1.137(b) follows.

A review of the record discloses that the application became abandoned for a failure to timely pay the issue and publication fees on or before September 16, 2010, as required by the Notice of Allowance and Fee(s) Due mailed June 16, 2010. Consequently, on October 6, 2010, a Notice of Abandonment was mailed. On January 25, 2011, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

It is initially pointed out that a terminal disclaimer, including fee, is not required in this application. Receipt is acknowledged of the required reply in the form of the \$1,510 issue fee and \$300 publication fee and the \$1,620 petition fee has been paid; however, the petition does not contain a proper statement of unintentional delay as noted in item (3) above.

Accordingly, the petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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Any questions concerning this decision may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)